

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Tracy Borchert,

Plaintiff

v.

Patenaude & Felix, A.P.C.,

Defendant

FILED ELECTRONICALLY

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Act”) which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, Tracy Borchert, is a natural person residing at 79 Miller Drive, Apt. 3, Honesdale, PA 18431.

5. Defendant, Patenaude & Felix, A.P.C., (“the Collector”) is a professional corporation engaged in the business of collecting debts in this state with a place of business located at 213 E. Main St., Carnegie, PA 15106 and is a “debt collector” as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

6. On or after January 24, 2010, the Collector was attempting to collect an alleged account (“the Account”) from Plaintiff.

7. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. § 1692a(5).

8. The collector regularly uses the telephone and mails to attempt to collect consumer debts alleged to be due another.

9. Between January 24, 2010 and February 3, 2010 the Collector caused at least one telephone call (“*the Call*”) to be placed to Plaintiff.

10. During *the Call*, the Collector left a message (“*the Message*”) for Plaintiff.

11. 15 U.S.C. § 1692e(11) requires a debt collector to disclose that the communication is from a debt collector in each communication with a consumer.

12. In *the Message*, the Collector failed to disclose that the call was from a debt collector.

13. *The Call* and *the Message* were attempts to collect the Account.

14. Defendant violated the Act, 15 U.S.C. § 1692, subsection e(11).

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kenneth W. Pennington
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